

### Record of officer decision

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| <b>Decision title:</b>   | Decision to prosecute 3 defendants for fly tipping and overcharging for work carried out  |
| <b>Date of decision:</b>   | 14 October 2021   |
| <b>Decision maker:</b>   | Assistant Director for Regulatory, Environment and Waste Services   |
| <b>Authority for delegated decision:</b>                                     | Economy and Place Scheme of Delegation item 70 (20/07/2021)   |
| <b>Ward:</b>   | Bromyard Bringsty   |
| <b>Consultation:</b>   | Legal Services: In accordance with S222 of the Local Government Act 1972 we consider a prosecution is both appropriate and reasonable in this matter for the promotion or protection of the interests of the people of the County of Herefordshire which is also in accordance with the Herefordshire Council's Enforcement and Prosecution Policy.   |
| <b>Decision made:</b>  | To prosecute 3 defendants for offences under Environmental Protection Act 1990, S.33 & S.34, and Consumer Protection From Unfair Trading Regulations 2008 Regulations 5,8,9   |
| <b>Reasons for decision:</b>   | <p>In November 2020 residents contacted the company as they were a registered waste company to remove waste from there garden. They were quoted a price and agreed. The 2 directors of the company arrived and they upped the price and added vat when not registered. They took the waste away then fly tipped the same waste on the Bromyard downs, an area of outstanding natural beauty. During interview the defendants admitted they had fly tipped the waste.</p> <p>The evidential test is met in this instance as there are witness statements and an expert report including photographs of the evidence.</p> <p>It is in the public interest due to:</p> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend;</p> <p>(ii) The defendant acted fraudulently, wilfully or negligently;</p> <p>(iii) A prosecution would have a significant impact on maintaining community confidence and should act as a deterrent to others who may be contemplating similar actions,</p> |
| <b>Highlight any associated risks/finance/legal/equality considerations:</b> | None  |
| <b>Details of any alternative options considered and rejected:</b>           | None  |
| <b>Details of any declarations of interest made:</b>                         | None  |

Signed:

Date: 14 October 2021